

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Maureen Roche
1502 Lighthouse Road
P.O. Box 146
Petrolia, CA 95558

Registered Nurse License No. 226940
Public Health Nurse Certificate No. 22774

Respondent.

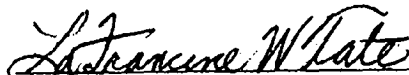
Case No. 2008-317

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 10, 2008

IT IS SO ORDERED this October 10, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUSTIN R. SURBER, State Bar No. 226937
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6 Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2008-317

11 **MAUREEN ROCHE**
12 1502 Lighthouse Road
P.O. Box 146
13 Petrolia, CA 95558

OAH No.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Registered Nurse License No. 226940
Public Health Nurse Certificate No. 22774

15 Respondent.
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17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Justin R. Surber, Deputy Attorney General.

24 2. Maureen Roche (Respondent) is representing herself in this proceeding
25 and has chosen not to exercise her right to be represented by counsel.

26 3. On or about July 31, 1972, the Board of Registered Nursing issued
27 Registered Nurse License No. 226940 to Maureen Roche (Respondent). The Registered Nurse
28 License was in full force and effect at all times relevant to the charges brought in Accusation No.

1 2008-317 and will expire on December 31, 2009, unless renewed.

2 4. On or about June 25, 1976, the Board of Registered Nursing issued Public
3 Health Nurse Certificate No. 22774 to Maureen Roche (Respondent). The Certificate was in full
4 force and effect at all times relevant to the charges brought in Accusation No. 2008-317 and will
5 expire on December 31, 2009, unless renewed.

6 **JURISDICTION**

7 5. Accusation No. 2008-317 was filed before the Board of Registered
8 Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent.
9 The Accusation and all other statutorily required documents were properly served on Respondent
10 on May 16, 2008. Respondent timely filed her Notice of Defense contesting the Accusation. A
11 copy of Accusation No. 2008-317 is attached as exhibit A and incorporated herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, and understands the charges and allegations
14 in Accusation No. 2008-317. Respondent also has carefully read, and understands the effects of
15 this Stipulated Surrender of License and Order.

16 7. Respondent is fully aware of her legal rights in this matter, including the
17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
18 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
19 the right to present evidence and to testify on her own behalf; the right to the issuance of
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to
21 reconsideration and court review of an adverse decision; and all other rights accorded by the
22 California Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

25 **CULPABILITY**

26 9. Respondent admits the truth of each and every charge and allegation in
27 Accusation No. 2008-317, agrees that cause exists for discipline and hereby surrenders her
28 Registered Nurse License No. 226940 for the Board's formal acceptance.

10. Respondent admits the truth of each and every charge and allegation in Accusation No. 2008-317, agrees that cause exists for discipline and hereby surrenders her Public Health Nurse Certificate No. 22774 for the Board's formal acceptance.

11. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

12. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Public Health Nurse Certificate without further process.

CONTINGENCY

13. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 226940, and Public Health Nurse Certificate No. 22774 issued to Respondent Maureen Roche are surrendered and accepted by the Board of Registered Nursing.

16. The surrender of Respondent's Registered Nurse License and Public Health Nurse Certificate and the acceptance of the surrendered license and certificate by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

17. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

18. Respondent shall cause to be delivered to the Board both her pocket license and wall certificate on or before the effective date of the Decision and Order.

19. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2008-317 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

20. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2008-317 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

21. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

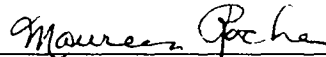
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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License, and Public Health Nurse Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 7-14-08.


Maureen Roche (Respondent)
Respondent

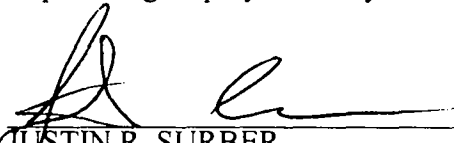
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 7/18/08

EDMUND G. BROWN JR., Attorney General
of the State of California

FRANK H. PACOE
Supervising Deputy Attorney General


JUSTIN R. SURBER
Deputy Attorney General

Attorneys for Complainant

Exhibit A
Accusation No. 2008-317

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUSTIN R. SURBER, State Bar No. 226937
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
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10 In the Matter of the Accusation Against:

Case No. 2008-317

11 **MAUREEN ROCHE**
12 1502 Lighthouse Road
P.O. Box 146
13 Petrolia, CA 95558

A C C U S A T I O N

14 Registered Nurse License No. 226940
Public Health Nurse Certificate No. PHN 22774

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about July 31, 1972, the Board of Registered Nursing issued
23 Registered Nurse License Number 226940 to Maureen Roche (Respondent). The Registered
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on December 31, 2009, unless renewed.

26 3. On or about June 25, 1976, the Board of Registered Nursing issued Public
27 Health Nurse Certificate Number 22774 to Respondent. The Public Health Nurse Certificate was
28 in full force and effect at all times relevant to the charges brought herein and will expire on

December 31, 2009, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. **Section 2750** of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. **Section 2764** of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. **Section 118** of the Code states:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

STATUTORY PROVISIONS

8. **Section 2761** of the Code states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

“(1) Incompetence, or gross negligence in carrying out usual certified or licensed

nursing functions.”

9. **California Code of Regulations, title 16, section 1442**, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

COSTS

10. **Section 125.3** of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Gross Negligence)

11. Respondent is subject to disciplinary action under section 2761(a)(1) and California Code of Regulations, title 16, section 1442 in that Respondent was grossly negligent in carrying out usual certified or licensed nursing functions. The circumstances are as follows:

12. On or about December 1, 2005, Respondent failed to exercise ordinary precaution and judgment by injecting a patient with insulin without physician's orders and without checking the patient's blood glucose levels. Respondent knew or should have known that treatment she rendered could have jeopardized the patient's health or life.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Gross Negligence)

13. Respondent is subject to disciplinary action under section 2761(a)(1) and California Code of Regulations, title 16, section 1442 in that Respondent was grossly negligent in carrying out usual certified or licensed nursing functions. The circumstances are as follows:

1 14. On or about December 1, 2005, Respondent rendered treatment to a
2 patient that was outside the scope of practice for her licensure. Respondent injected a patient
3 with insulin without physician's orders.

4 **THIRD CAUSE FOR DISCIPLINE**

5 (Unprofessional Conduct)

6 15. Respondent is subject to disciplinary action under section 2761(a) of the
7 Code in that she engaged in unprofessional conduct. The circumstances are set forth in
8 paragraphs 12 and 14, above.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein
11 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

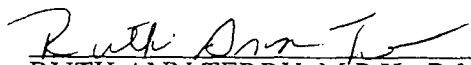
12 1. Revoking or suspending Registered Nurse License Number 226940, issued
13 to Maureen Roche.

14 2. Revoking or suspending Public Health Nurse Certificate Number PHN
15 22774, issued to Maureen Roche.

16 3. Ordering Maureen Roche to pay the Board of Registered Nursing the
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3;

19 4. Taking such other and further action as is deemed necessary and proper.
20

21 DATED: 5/12/08
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23
24 
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant
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